

TITLE V: PUBLIC WORKS

Chapter

- 50. LANDFILLS AND DRAINS
- 51. SEWERS AND SEWAGE DISPOSAL
- 52. STORMWATER MANAGEMENT
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CHAPTER 50: LANDFILLS AND DRAINS

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§ 50.01 PERMIT REQUIRED.

No landfill, of any nature or kind, no pipes or drainage structures, no diversion of water from its natural drains, or no alteration of any ground elevation of land below the high water elevation of the town shall be undertaken, completed, installed, or performed in any manner on any real estate within the town without first obtaining permission therefor from the Town Board of Trustees. ('82 Code, § 16-100) Penalty, see § 50.99

§ 50.22 PERMIT PROCEDURE.

(A) Anyone desiring to undertake, complete, install, or perform in any manner any of the acts prohibited by this chapter shall file a written application with the Town Board of Trustees, which application shall be signed by the owner of the land involved, shall contain the legal description of the real estate affected by the proposed work and a complete description of the nature of the work to be undertaken relative to said real estate.

(B) Upon receipt of the application and the payment of the application fee of \$25 to the Clerk-Treasurer, the application shall immediately be forwarded to the Superintendent of the Town Street Department for approval or rejection, who shall review same and shall, within 21 days of the date of the filing of such application, make such determination as he feels reasonable in the matter, including but not limited to the requiring of the filing of additional information.

(C) Upon receipt of approval for such work from the Superintendent of the Town Street Department, the applicant shall undertake such work within ten days from the date of such approval and shall complete such work within 30 days from the date such work is begun, unless the Board of Trustees shall extend the time period for the completion of such work.

(D) In the event of the rejection of such application, the applicant shall have the right to request in writing, a review of the Superintendent's decision, within ten days of the date thereof, to the Board of Trustees, who shall within 21 days of the date of the filing of such request, make such determination as they feel reasonable in the matter.
('82 Code, § 16-101)

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§ 50.99 PENALTY.

(A) Whoever violates any of the provisions of this chapter for which no penalty is otherwise provided, shall be fined not less than \$25 nor more than \$200.

(B) Each day such violation is committed or permitted to continue shall constitute a separate offense.

('82 Code, § 16-102)

CHAPTER 51: SEWERS AND SEWAGE DISPOSAL

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Cross-reference:

- Storm drainage control, see Ch. 156
- Sewer tap-on fee fund, see § 32.39
- Sewer utility fund, see § 32.41

GENERAL PROVISIONS

§ 51.01 DEFINITIONS.

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

"B.O.D. (DENOTING BIOCHEMICAL OXYGEN DEMAND)." The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20 degrees Centigrade, expressed in milligrams per liter.

"BUILDING SEWER." The extension from the building drain to the public sewer or other place of disposal.

"COMBINED SEWER." A sewer receiving both surface runoff and sewage.

"COMPLIANCE." Compliance with the provisions of §§ 51.12(H) and 51.13(A), and any amendments thereto, and/or the provisions of § 51.35, as amended from time to time.

"DWELLING UNIT." One or more rooms in a residential building or residential portion of a building, which are arranged, designed, used, or intended for use by one or more persons living together and maintaining a common household, and which include all of the requirements pursuant to law for occupancy thereof. A "DWELLING UNIT" may be interpreted as a room or rooms or any other space or spaces in

which cooking spaces are provided and have an individual sink and toilet facilities. The term shall include, but not be limited to, single-family residences, duplexes, apartment houses and house trailers. (Ord. 514, passed 7-25-90)

"EMPLOYEE." Any owner, employee, agent, inmate, customer, or any other person regularly in or on the premises not less than 20 hours per week.

"GARBAGE." Solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce.

"INDUSTRIAL USERS." Any user in the business of manufacturing or processing and shall include laundries and drycleaning plants who use water for cleaning processes, excluding coin-operated laundries.

"INDUSTRIAL WASTE." The liquid waste resulting from any commercial, manufacturing or industrial operation, process, trade, or business, as distinct from sanitary sewage.

"INSPECTOR." The person duly authorized by the town, through its Town Council, to inspect and approve the installation of building sewers and their connection to the public sewer system.

"NATURAL OUTLET." Any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

"pH." The logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

"PERSON." Any individual, firm, company, association, society, corporation, or group.

"PROFESSIONAL OFFICES." Offices for doctors, dentists, optometrists, attorneys, accountants, insurance offices, real estate brokers, funeral homes, abstract companies, and similar establishments.

"PROPERLY SHREDDED GARBAGE." The wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch in any dimension.

"PUBLIC SEWER." A sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.

"SANITARY BOARD OF APPEALS" or "BOARD." The town Sanitary Board of Appeals, to be comprised of the same three members comprising the Unsafe Building Department of the town. Whoever shall be serving in such capacity shall automatically be a member of the board and shall serve thereon for so long as he shall occupy such capacity in the town. The Clerk-Treasurer shall keep all minutes and records of the meetings of the board. All meetings of the board shall be governed by the rules of procedure then in effect governing the conduct of business by the Town Council of the town, or such other rules as are specifically adopted by the board from time to time.

Cross-reference:

Members of Unsafe Building Department, see § 34.56

"SANITARY BUILDING DRAIN." That part of the lowest horizontal piping of the sanitary drainage system inside the walls of any building, which receives the discharge from soil or waste stacks and branches and conveys the same to a point three feet outside the building walls where it connects with its respective building sewer.

"SANITARY SEWAGE." The waste from water closets, urinals, lavatories, sinks, bath tubs, showers, household laundries, basement drains, garage floor drains, bars, soda fountains, cuspidors, refrigerator drips, drinking fountains, and stable floor drains.

"SANITARY SEWER." A sewer which carries sewage and to which storm, surface, and groundwaters are not intentionally admitted.

"SEWAGE." A combination of the watercarried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground surface and storm waters as may be present.

"SEWAGE TREATMENT PLANT." Any arrangement of devices and structures used for treating sewage.

"SEWAGE WORKS." All facilities for collecting, pumping, treating, and disposing of sewage.

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"SEWER." A pipe or conduit for carrying sewage.

"SHOP IN RESIDENCE." Residences with shop facilities located therein such as beauty shops, barber shops, small retail shops, and repair facilities.

"SLUG." Any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 15 minutes more than five times the average 24-hour concentration or flows during normal operation.

"STORM DRAIN" or "STORM SEWER." A sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

"SUPERINTENDENT." The Superintendent of the Municipal Sewage Works of the town, or his authorized deputy, agent, or representative.

"SUSPENDED SOLIDS." Solids that either float on the surface of, or are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.

"SYSTEM." All of the facilities for collecting, pumping, treating and disposing of sewage owned by the town within the sanitary sewer service area of the town.

"TOWN." The Town of Cedar Lake, Lake County, Indiana.

"TOWN OFFICIAL." Such employees or designated representatives or officials of the town as the town Utility Council shall, from time to time, designate and utilize in making the inspections and/or tests hereafter described and in carrying out the other duties as prescribed herein to be performed on behalf of the town.

"USER." The owner of the property on which the buildings and/or appurtenances that are connected to the sanitary sewage collection system of the town are located.

"UTILITY COUNCIL." The elective or appointed town council charged with the legal responsibility of overseeing, managing and/or operating the sanitary sewer utility of the town, and shall be the council charged with enforcing the terms of this chapter, as amended from time to time, and where deemed necessary, shall be deemed to be the branch of government of the town charged with the decision-making requirements prescribed herein, although the same may be delegated to a town official by proper action of the Utility Council.

"WATERCOURSE." A channel in which a flow of water occurs,

either continuously or intermittently.
('82 Code, § 32-100) (Am. Ord. 518, passed 11-14-90)

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§ 51.02 HARMFUL SEWAGE PROHIBITED.

The Board of Trustees shall prohibit dumping of wastes into the town's sewerage system which, in its discretion, are deemed harmful to the operation of the sewers or sewage treatment plant of the town, or to require methods effecting a pretreatment of the wastes to reduce the characteristics of the waste unsatisfactory to the Board.

('82 Code, § 32-300) Penalty, see § 51.99

§ 51.03 DAMAGING OR TAMPERING WITH SEWAGE WORKS PROPERTY.

No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the municipal sewage works. Any person violating this provision shall be subject to immediate arrest under the charge of disorderly conduct.

('82 Code, § 32-500) Penalty, see § 51.99

§ 51.04 CORRECTING VIOLATIONS.

(A) Any person found to be violating any provision of this chapter, except § 51.10, shall be served by the town with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations. Any person who shall continue any violation beyond the time limit provided for in division (A) above shall be guilty of a Class A infraction.

(B) Any person violating any of the provisions of this chapter shall become liable to the town for any expense, loss, or damage occasioned the town by reason of such violation, and shall be fined in accordance with the provisions of this code for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

('82 Code, § 32-501) Penalty, see § 51.99

CONNECTIONS

§ 51.10 DISCHARGE AND CONNECTION REQUIREMENTS.

(A) It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the town, or in any area under the jurisdiction of the town, any human or animal excrement, garbage, or other objectionable waste.

(B) It shall be unlawful to discharge to any natural outlet

within the town, or in any area under the jurisdiction of the town, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter.

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(C) Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.

(D) The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the town and abutting on any street, alley, or right-of-way in which there is now located a public sanitary or combined sewer of the town, is required at his expense, to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this chapter, within 90 days after date of official notice to do so, provided that the public sewer is within 300 feet of the property line.

('82 Code, § 32-400) Penalty, see § 51.99

§ 51.11 PRIVATE SYSTEMS.

(A) Where a public sanitary or combined sewer is not available under the provisions of § 51.10(D), the building sewer shall be connected to a private sewage disposal system complying with the provisions of this section.

(B) Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit signed by the Superintendent. The application for such permit shall be made on a form furnished by the town, which the applicant shall supplement by any plans, specifications, and other information as is deemed necessary by the Superintendent. A permit and inspection fee of \$50 shall be paid to the town at the time the application is filed.

(C) A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Superintendent. He shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the Superintendent when the work is ready for final inspection, and before any underground portions are covered.

The inspection shall be made within 72 hours of the receipt of notice by the Superintendent.

(D) The type, capacities, location, and layout of a private sewage disposal system shall comply with all recommendations of the State Board of Health. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than 40,000 square feet. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

(E) At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided for above, a direct connection shall be made to the public sewer in compliance with this chapter, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and

filled with suitable material.

(F) The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the town.

(G) No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by the Health Officer.

(H) When a public sewer becomes available, the building sewer shall be connected to the sewer within 60 days and the private sewage disposal system shall be cleaned of sludge and filled with clean bank-run gravel or dirt.

('82 Code, § 32-401) Penalty, see § 51.99

§ 51.12 CONNECTION PERMIT REQUIREMENTS.

(A) No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Clerk-Treasurer.

(B) There shall be two classes of building sewer permits: For residential and commercial service; and for service to establishments producing industrial wastes. In either case, the owner or his agent shall make application on a special form furnished by the town. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Inspector. A permit and inspection fee of \$5 for a residential or commercial building sewer permit and \$15 for an industrial building sewer permit shall be paid to the Clerk-Treasurer at the time the application is filed.

(C) All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the town from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

(D) A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

(E) Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Inspector, to meet all requirements of this chapter.

(F) The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the building and plumbing code or

other applicable rules and regulations of the town. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9 shall apply.

(G) Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

(H) No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

(I) The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the town, or the procedures set forth in appropriate specifications of the A.S.T.M. and the W.P.C.F. Manual of Practice No. 9. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Superintendent before installation.

(J) The applicant for the building sewer permit shall notify the Inspector when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Inspector or his representative.

(K) All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the town.

('82 Code, § 32-402) Penalty, see § 51.99

§ 51.13 NONSANITARY DISCHARGE PROHIBITIONS.

(A) No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.

(B) Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the Superintendent. Industrial cooling water or unpolluted process waters may be discharged, on approval of the Superintendent, to a storm sewer, combined sewer, or natural outlet.

(C) No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

(1) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.

(2) Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant.

(3) Any waters or wastes having a pH lower than 5.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.

(4) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, and the like, either whole or ground by garbage grinder.

(D) No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely, in the opinion of the Superintendent, that such wastes can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the Superintendent will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The substances prohibited are:

(1) Any liquid or vapor having a temperature higher than 150°F. or 65°C.

(2) Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of 100 milligrams per liter or containing substances which may solidify or become viscous at temperatures between 32° and 150°F. (0° and 65°C.)

(3) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of 3/4 horse power (0.76 horse power metric) or greater shall be subject to the review and approval of the Superintendent.

(4) Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions, whether neutralized or not.

(5) Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree

than any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Superintendent for such materials.

(6) Any waters or wastes containing phenols or other taste or odor-producing substances, in such concentrations exceeding limits which may be established by the Superintendent as necessary, after treatment of the composite sewage, to meet the requirements of the state, federal, or other public agencies of jurisdiction for such discharge to the receiving waters.

(7) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Superintendent in compliance with applicable state or federal regulations.

(8) Any waters or wastes having a pH in excess of 9.5.

(9) Materials which exert or cause:

(a) Unusual concentrations of inert, suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).

(b) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).

(c) Unusual B.O.D., chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.

(d) Unusual volume of flow or concentration of wastes constituting slugs as defined in § 51.01.

(10) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

(E) (1) If any waters or wastes are discharged, or are proposed to be discharged, to the public sewers, which waters contain the substances or possess the characteristics enumerated in division (D)(1) of this section, and which in the judgment of the Superintendent, may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Superintendent may:

(a) Reject the wastes;

(b) Require pretreatment to an acceptable condition for discharge to the public sewers;

(c) Require control over the quantities and rates of discharge; or

(d) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of division (J) of this section.

(2) If the Superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plans and equipment shall be subject to the review and approval of the Superintendent and subject to the requirements of all applicable codes, ordinances, and laws.

(F) Grease, oil, and sand interceptors shall be provided when, in the opinion of the Inspector, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Superintendent, and shall be located as to be readily and easily accessible for cleaning and inspection.

(G) Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

(H) When required by the Superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Superintendent. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.

(I) All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this chapter shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater", published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at the control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. (The particular analyses involved will

determine whether a 24-hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, B.O.D. and

suspended solids analyses are obtained from 24-hour composites of all outfalls, whereas pH's are determined from periodic grab samples.)

(J) No statement contained in this section shall be construed as preventing any special agreement or arrangement between the town and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the town for treatment, subject to payment therefor, by the industrial concern.
('82 Code, § 32-403) Penalty, see § 51.99

§ 51.14 INSPECTION PRIVILEGES.

(A) The Superintendent, Inspector, and other duly authorized employees of the town bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this chapter. The Superintendent or his representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

(B) While performing the necessary work on private properties referred to in division (A) above, the Superintendent or duly authorized employees of the town shall observe all safety rules applicable to the premises established by the owner and the owner shall be held harmless for injury or death to the town's employees and the town shall indemnify the owner against loss or damage to its property by town employees and against liability claims and demands for personal injury or property damage asserted against the owner and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the owner to maintain safe conditions as required in § 51.13(H).

(C) The Superintendent and other duly authorized employees of the town bearing proper credentials and identification shall be permitted to enter all private properties through which the town holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within the easement. All entry and subsequent work, if any, on the easement shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.
('82 Code, § 32-404)

§ 51.15 PERFORMANCE REQUIREMENTS FOR PRIVATE CONTRACTORS.

(A) Any person, partnership, corporation, or the like undertaking work on behalf of any user for the purpose of

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or otherwise establishing a connection to the sanitary sewer system of the town shall, before commencing any work whatsoever, have deposited with the office of the Clerk-Treasurer the following.

(1) A certificate of insurance in the amount of \$10,000 insuring complete performance of the work contracted for.

(2) A certificate of insurance in the minimum amount of \$300,000 single limit liability for loss due to any personal injury or property damage.

(3) A certificate of insurance providing complete coverage for total restoration due to damage, repair, and interruption of any underground services including, but not limited to, telephone wires or cables, television transmission wires or cables, private or public water lines, and private or public sewer lines.

(4) A certificate of insurance for completed operation coverage.

(B) Any person, partnership, corporation, or the like failing to meet the requirements set out in this section shall not be permitted to undertake the work and shall be subject to immediate stoppage by the superintendent of sewers and shall, in addition, be liable as provided in §§ 51.03, 51.04, and 51.99.
(Ord. 392, passed 5-23-84) Penalty, see § 51.99

RATES AND CHARGES

§ 51.20 SEWER CHARGE RATES.

For the use and the service rendered by the town works, rates, and charges shall be collected from the owners of each and every lot, parcel of real estate or building that is, or will be, connected with the town's sanitary sewer system or otherwise discharges sanitary sewage, industrial wastes, water, or other liquids, either directly or indirectly, into the sanitary sewer system of the town, which rates and charges shall be payable as hereinafter provided and shall be in an amount determinable as follows:

(A) (1) The rates and charges shall be based and determined in accordance with the following classification schedule, except as herein otherwise provided:

<u>User Classification</u>	<u>Monthly Sewer Rate</u>
Residences, apartments, and other dwelling quarters, mobile home courts	\$48.00 per dwelling unit

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<u>User Classification</u>	<u>Monthly Sewer Rate</u>
Professional offices, governmental offices, banks, utilities	\$51.15 for the first two employees, and \$16.10 for each employee over two
Nursing home	\$16.10 per patient bed available for occupancy
Churches and other religious bodies. Also, lodges and veterans organizations without eating or drinking facilities	\$51.15 per establishment
Shop in residence	\$100.80 for residence and shop
Motels, rooming houses, church camps, and similar establishments	\$16.10 per room available for occupancy and not less than \$5.45 per bed
Retail establishments under 50,000 square feet total space, drive-in eating establishments, restaurants, and organizations with eating or drinking facilities and gasoline service stations	\$51.15 for the first two employees and \$16.10 for each employee over two
Retail establishments in excess of 50,000 sq. feet total space, theaters, bowling centers, industrial users of 30,000 or less sq. feet building, schools, bulk washeterias, car wash facilities, hospitals, hotels, monasteries, religious retreats, taverns, golf courses and resorts	Based upon water used and returned to the sewage plant for treatment as specified in the rate schedule
Industrial/manufacturing operations bulk over 30,000 square feet	\$146.10 per month and metered rate as specified in the rate schedule.

Monthly Metered Rate ScheduleGallons Used Per MonthPer Thousand Gallons

First 20,000

\$13.15

Next	30,000	10.85
Next	150,000	9.18
Next	300,000	7.31
Over	500,000	5.84

Subject to minimum monthly charge of \$102.25

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(2) In the event the above rate is used to provide wholesale treatment for effluent collected by another sewage works or sewage utility, the minimum charge shall not be less than \$18.65 per equivalent family dwelling unit connected to the other sewage works or utility computed under flat rate charges provided in this section.

(B) The minimum monthly charge for any metered service shall in no event be less than \$102.25 or 50% of the average of the three highest metered readings in the preceding 11 months, whichever is the largest, and such rates shall be charged each month, even though the property is not used or occupied year round.

(C) The rates and charges to users outside the corporate limits shall be 100% of the rates and charges set forth above.

(D) (1) In order that the rates and charges may be justly and equitably adjusted to the service rendered, the town shall have the right to base its charges not only on volume, but also on the strength and character of the sewage and wastes which it is required to treat and dispose of. The town shall have the right to measure and determine the strength and content of all sewage and wastes discharged, either directly or indirectly, into the town's sanitary sewage system, in such manner and by such method as it may deem practicable in the light of the conditions and attending circumstances of the case, in order to determine the proper charge.

(2) Extra charges based on the strength of the sewage and liquid wastes shall be made on the following basis:

(a) Rate surcharge based upon suspended solids. There shall be an additional charge of \$.13 per 1,000 gallons of flow for each 100 milligrams, or fraction thereof, of suspended solids in excess of 300 milligrams per liter of fluid.

(b) Rate surcharge based upon B.O.D. There shall be an additional charge of \$.16 per 1,000 gallons of flow for each 100 milligrams, or fraction thereof, of biochemical oxygen demand in excess of 300 milligrams per liter of fluid.

(3) To determine the strength of the sewage and wastes, samplings and analysis may be made from time to time whenever it is deemed desirable by the town. After charges have been established based upon the strength of sewage and wastes, the owner may request

reconsideration of these charges by the town by submitting analyses of composite samples of the sewage and wastes subject to such charges, certified by a registered engineer or a qualified graduate chemist. The town may then adjust the charges to the ordinance rates required by such analysis or may recheck the findings by additional sampling and analysis. Requests for rate adjustments by the owner may be submitted not more often than every 12 months.

(4) The determination of suspended solids and five-day biological oxygen demand contained in the waste shall be in accordance with the latest copy of "Standard Methods for the Examination of Water, Sewage and Industrial Wastes", as written by the American Public Health Association, the American Water Works Association and the Federation of Sewage and Industrial Wastes Association.

(E) For services rendered to the town by the works, the town shall be subject to and pay like rates and charges as herein provided for governmental users.

(F) In order to produce an amount sufficient to meet the interest on the revenue bonds, and other expenses, payable prior to the completion of the works, beginning as soon as the actual work has commenced on the sewage works, the owners of each and every lot, parcel of real estate or building to be connected with the town's sanitary sewage system, as a result of construction of the works, shall pay, each month 63% of the rates and charges established above, for each such existing structure to be connected. Beginning with the first month after the sanitary sewers are available for connection and use to any lot, parcel of real estate or building, the full rates and charges shall become effective for such lot, parcel of real estate, or building.

('82 Code, § 32-200) (Am. Ord. 170, passed 4-1-74; Am. Ord. 308, passed 5-13-81; Am. Ord. 430, passed 7-23-86; Am. Ord. 450, passed 12-7-87; Am. Ord. 589, passed 8-24-93; Am. Ord. 615, passed 8-2-94; Am. Ord. 730, passed 9-22-98; Am. Ord. 741, passed 12-22-98; Am. Ord. 819, passed 2-26-02)

§ 51.21 CHARGES PER EMPLOYEE.

Any user assessed a sewage rate by this chapter which is based upon the number of employees of such user shall, on or before May 1, 1972, file with the Clerk-Treasurer an affidavit stating the average number of employees of such user for the 12-month period ending March 31, 1972. Thereafter, any such user, shall annually file with the Clerk-Treasurer on or before February 1 of each year a new affidavit stating the average number of employees of such user for the preceding calendar year. Such affidavit shall be used by the town as the prima facie basis for computing the charge to be made to such user; provided that if in any succeeding month the average number of

employees shall increase by more than 20%, the user shall file a supplemental affidavit to be used as the basis for computing the charge to
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such user, and if in any succeeding month the average number of employees shall decrease by more than 20%, the user may file a supplemental affidavit to be used as the basis for computing the charge to such user. The town, by any of its designated officers or employees, shall have the right to inspect the employment records of any user filing such affidavit at any reasonable time for the purpose of determining the accuracy of such affidavit; and if the affidavits required hereunder are not filed, the town, by any of its designated officers or employees, may estimate the number of employees as the basis for computing the charge.
('82 Code, § 32-201)

§ 51.22 CONNECTION CHARGE.

The owner of any lot, parcel of real estate, or building connecting to the sewage works shall, prior to being permitted to make a connection, pay a connection charge in the amount of \$500 for the first dwelling unit upon that real estate, and an additional connection charge in the amount of \$250 for each additional dwelling unit upon that parcel of real estate, which charge the Board of Trustees now finds to be a reasonable and equitable pro rata cost of construction of a local or lateral sewer adequate to serve the property so connecting.
('82 Code, § 32-202)

§ 51.23 ADDITIONAL PREMISES.

The rates and charges herein fixed shall be extended to and cover any additional premises hereafter connected with the sewer system of the town without the necessity of any hearing or notice. Service charges for less than a period of one month shall be computed on the basis of the period during which service is rendered.
('82 Code, § 32-203)

§ 51.24 COLLECTION OF CHARGES.

(A) The rates and charges established by this chapter will be billed to the owners of the property served. Owners are liable for payment as required herein, and owners have the right to examine all collection records of the town rates and charges of the property served. Examination of records shall be made in the office in which the records are kept and during regular business office hours as established by the town.

(B) The rates and charges will be billed to the tenants occupying the property served, unless otherwise requested in writing by the owners but such billing shall in no way relieve the owner from liability in the event payment is not made as herein required. The

owners of the properties served, which are occupied by tenants,
shall
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have the right to examine the collection records of the town for the purpose of determining whether the rates and charges have been paid by the tenants, provided that the examination shall be made in the office in which the records are kept and during the hours that the office is open for business.

(C) The Board of Trustees shall make and enforce such bylaws and regulations as may be deemed necessary for the safe, economical, and efficient management of the town's sewerage collection system, regulatory chambers, pumping station, and sewage treatment facilities, for the construction and use of house sewers and connections in the sewerage system, and for the regulation, collection, rebating, and refunding of such rates and charges. ('82 Code, § 32-204) (Am. Ord. 649, passed 5-16-95; Am. Ord. 819, passed 2-26-02)

§ 51.25 ENFORCEMENT OF PAYMENT.

It shall be the duty of the officer charged with the collection of the charges to enforce payment thereof, together with the penalties provided by law. If any such charge shall not be paid for service rendered to any lot, parcel of real estate, or building served within 30 days after written notice of the amount due has been given to the owner thereof, such officer shall proceed to enforce payment as directed by the Board of Trustees or as provided by law. ('82 Code, § 32-205)

§ 51.26 SURCHARGE.

(A) Amount of surcharge. A surcharge of \$20 per month, per billing account, shall be imposed in addition to all other charges heretofore authorized and imposed beginning the month immediately following passage and adoption of this section by the Board of Trustees of the town.

(B) Moratorium. There shall be a moratorium upon the requirement for payment by any persons for a period of six months from the time of imposition of the surcharge as set forth in division (A) above. Any person who has, pursuant to division (C) below, consented to the inspection of his respective premises within 90 days of the date of adoption of this section, shall not be liable for payment until the inspection has been accomplished and the person given the opportunity to bring the premises into compliance within the time frame set out in division (C) below.

(C) Proof of compliance. A person may avoid liability for payment of the surcharge established in division (A) above upon a showing that he is in compliance with all provisions of §§ 51.12(H), 51.13(A), and 51.13(B) and any amendments thereto of the town which showing shall consist of the following procedures and conditions as

to each building or appurtenance connected to the sanitary sewer.

(1) Each person shall, as to each building or appurtenance so connected to the sanitary sewer, execute a grant of permission to the town to come upon the property and within the premises thereon, of

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the persons to inspect or perform sewer tests as may be deemed necessary by the town to verify the compliance hereinbefore referred to.

(2) The grant of permission set forth in division (1) above shall be deemed to include periodic inspections or tests as may be determined to be necessary by the town to maintain, insure, and monitor compliance with the provisions of §§ 51.12(H), 51.13(A), and 51.13(B).

(3) The term "TOWN" as used herein, shall mean and include such employees or designees of the town as it shall from time to time utilize in making the inspections or tests heretofore referred to. These persons shall have on their persons identification to verify the fact that they in fact represent the town for those purposes.

(4) The inspections shall be made upon reasonable notice of at least 48 hours. There shall be no fee charged for the inspections.

(5) If, upon the initial inspection contemplated by division (1) above to verify compliance, a person is in fact not found to be in compliance, the person shall be given 14 days from the date of the inspection to so comply.

(D) Noncompliance.

(1) In the event that a person is found to be in compliance as heretofore set forth and, upon subsequent inspection, is found not to be in compliance, the person shall be liable for payment of an amount equal to the sum of the months since adoption of this section, multiplied by the monthly surcharge in effect during such periods as the case may be; provided that, the liability shall be reduced to 50% of that amount if the person complies within a period of ten days after notice by the town of his noncompliance.

(2) In the event a person is found to be in a state of noncompliance a second or subsequent time, then the person shall be liable for a sum equal to \$1,000 plus an amount equal to the sum of the months since adoption of this section multiplied by the monthly surcharge in effect during the periods as the case may be.

(Ord. 347, passed 1-12-83)

§ 51.27 DISCONNECTION AND RECONNECTION.

(A) In the event a building or other structure which is currently or has in the past been connected to the town sanitary sewage collection system is razed or otherwise removed from the property and the debris and all other rubbish has been removed from said real estate to the satisfaction of the Town Board or its

designee, then the account related to this property shall be placed on an inactive status from that day forward; provided that the owner of this property makes a formal, written request of the Board of Trustees for the establishment of this property on an inactive status.

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(B) In the event such property has been placed on inactive sewer billing status and the current owner or a subsequent owner thereof desires to reconnect the property to the town sanitary sewage collection system, then that person shall pay a tap-on fee equal in amount to the then current tap-on fee in effect for new sewer connections.

(Ord. 471, passed 2-15-88)

§ 51.28 TIME PERIOD BEFORE UNPAID AND DELINQUENT FEES MAY BE CERTIFIED AS LIENS.

(A) No unpaid and delinquent sewage utility fees are to be certified as liens to be assessed against the real property of the owners served by the sewage works of the town, as permitted by the provisions of IC 36-9-23-31, as amended from time to time, and IC 36-9-23-32, as amended from time to time, until or unless at least two months of accrued, but unpaid and delinquent sewage utility fees are due and owing the town.

(B) The terms and provisions of this section shall not preclude, or in way supersede any other duties, responsibilities or requirements for the collection of rates and charges from the owners of real property served by the sewage works of the town, whether by state statute, local ordinance, or any other applicable law.

(Ord. 510, passed 4-25-90)

§ 51.29 WASTEWATER AND MUNICIPAL ACCOUNT ADJUSTMENTS.

(A) The Clerk-Treasurer is hereby authorized and directed to adjust town wastewater and municipal utility fee accounts as deemed necessary and proper according to any of the reasons set forth in division (B) below in order to properly credit town wastewater and municipal utility accounts that have been overcharged.

(B) The following are reasons that may create the need for an adjustment of a town wastewater and municipal utility account:

(1) Ministerial adjustments including, but not limited to, new home billings that need to be pro-rated, NSF checks and fees, bankruptcy filings which require adjustments, and posting error corrections; and/or

(2) Penalty fees assessed according to § 51.24 of this code, as amended, that were assessed to the town wastewater and municipal utility account due to delay of the postal service, changes in ownership of property, incorrect automatic penalty fees, and any other unusual circumstance that caused a customer to be late in payment of a town wastewater and municipal utility account.

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(C) The town wastewater and municipal utility account adjustment shall be made on the next monthly billing date after the account is determined to need an adjustment as determined under the above terms and provisions.

(D) The Clerk-Treasurer shall make no adjustments as permitted by the provisions of division (B) (2) above in an amount greater than the applicable penalty for one month's late fee penalty amount for a town wastewater and municipal utility account. Further, the Clerk-Treasurer shall make no more than one such adjustment for a town wastewater and municipal utility account in any calendar year. All other applicable account payment requirements shall be required to be fulfilled unless otherwise authorized or approved for adjustment by the Town Council.

(Ord. 800, passed 9-17-01; Am. Ord. 1204, passed 7-15-14)

§ 51.30 SYSTEM DEVELOPMENT CHARGE.

(A) The equivalent residential customer (ERC) shall \$2,200 per new sewer tap connection for water service lines up to ¾ inch. Effective December 1, 2006, a one-time charge known as the system development charge will be collected from new customers of the sewage works system in accordance with the following schedule:

Water Line Service Size	Flow Ratio	System Development Charge
Up to ¾ inch	1.00	\$ 2,200
1 inch	2.50	5,500
1¼ inch	4.00	8,800
1½ inch	5.00	11,000
2 inch	8.00	17,000
3 inch	15.00	33,000
4 inch	25.00	55,000

(B) To determine the system development charge for water line services over four inches, divide the area of the proposed water line service size by the area of a 5/8-inch water service line (flow ratio), then multiply by \$2,200.

(C) Collection. The system development charge shall be collected as follows:

(1) For all existing subdivided lots, and as well as any unsubdivided residential property, the sewage works system development charge shall be charged and collected at the time a building permit is issued for connection to the sanitary system.

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(2) For any unsubdivided non-residential property, the system development charge shall be paid for:

(a) In the minimum amount of \$2,200 per connection if the water line service size is unknown after preliminary plat approval at the time connection is made to the sanitary sewer system for all sanitary tap connections required for the lots contained on the preliminary plat; or

(b) In the minimum amount of \$2,200 per connection if the water line service size is unknown after final plat approval and prior to the signing of the final plat mylar for all sanitary tap connections required for the lots contained on the final plat; and

(c) At the time of building permit issuance for each subdivided lot, the remainder of the actual system development charge based upon the water line service size less the minimum amount paid in divisions (2)(a) or (b) above.

(Ord. 926, passed 6-7-05; Am. Ord. 978, passed 11-9-06; Am. Ord. 1248, passed 8-16-16)

Cross-reference:

Building permit fees, see § 150.15

PERIODIC INSPECTIONS AND TESTING OF SEWER LINES AND FACILITIES

§ 51.35 USERS TO BRING THEMSELVES INTO VOLUNTARY COMPLIANCE.

On or before the first day of January, 1991, all users of the sanitary sewage treatment and collection system of the town shall bring themselves into voluntary compliance with the terms and conditions of the sections governing connection to and use of the sanitary sewage treatment and collection system of the town, including, but not limited to, the requirements of §§ 51.12(H) and 51.13(A), as amended from time to time. This section shall specifically reaffirm and ratify the provisions of § 51.26, regarding compliance by the users with the provisions of §§ 51.12(H) and 51.13(A), and any amendments thereto. This subchapter shall further ratify the imposition of surcharges upon each billing account of any user found or determined to not be in compliance with the provisions of § 51.26, regarding compliance with the provisions of §§ 51.12(H) and 51.13(A), and any amendments thereto.

(Ord. 518, passed 11-14-90)

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§ 51.36 PROOF OF COMPLIANCE.

(A) Upon expiration of the term provided for in § 51.35, a user utilizing the sanitary sewage collection system of the town may avoid the imposition or levy of any fines, fees, charges or penalties with regard to such use and utilization by presentation of proof of compliance and continuing compliance with the provisions of §§ 51.12(H) and 51.13(A), and any amendments thereto, which proof shall consist of and include compliance with the following procedures and conditions as to each building and/or appurtenance connected to the sanitary sewage collection system of the town.

(1) Upon request by a town official, either in writing or by personal contact, each user utilizing the sanitary sewage collection system, shall, within 10 days, as to each building and/or appurtenance so connected to the system, execute a "GRANT OF INSPECTION" to the town, to permit entry upon the property served by the system on which the buildings and/or appurtenances are located, and to inspect and/or perform such tests as may be deemed necessary by the town, to verify and prove compliance with the provisions of §§ 51.12(H) and 51.13(A), and any amendments thereto.

(2) The grant of inspection shall be deemed to include the right of periodic inspections and/or tests thereafter, as may be reasonably determined to be necessary by the town to maintain, monitor and ensure continued compliance with the provisions of §§ 51.12(H) and 51.13(A), and any amendments thereto.

(3) Once a grant of inspection has been executed, it shall be deemed to be an ongoing authorization as provided for herein, no matter who may thereafter become the owner of the property covered by the grant of inspection. Once a grant of inspection has been executed, it may not be revoked by the original grantor thereof, or any subsequent owner of the property covered by the grant of inspection;

(4) Reasonable written notice of at least 48 hours shall be given by the town official to the user of the time and place at which the inspections and/or tests provided for herein are to be made.

(5) There shall be no fees charged for any inspections and/or tests conducted and performed by the designated representatives or officials of the town.

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(B) In the event a user utilizing the system executes the grant of inspection, and the town determines that said buildings and/or appurtenances are in compliance, no surcharges, fines or other penalties shall be imposed or levied upon the user; provided, however, that the town shall have the right and authority, pursuant to the grant of inspection executed as required hereby and the terms of this section, as amended from time to time, to conduct additional inspections and/or tests at a later date to determine that compliance still exists.

(C) (1) In the event that a user utilizing the system fails or refuses to execute a grant of inspection to the town, for the purposes provided for herein, a surcharge of \$500 per month, per billing account for such user, shall be imposed in addition to all other charges authorized and imposed under any applicable ordinances of the town as amended from time to time commencing at the next billing period following the date of the failure or refusal to execute the grant of inspection to the town.

(2) In addition to the surcharge described herein, the town shall have the right to elect to seek and pursue any and all appropriate legal proceedings for inspection purposes, as well as to collect billed surcharge amounts accrued on sewer utility billing accounts of users who fail or refuse to execute a grant of inspection to the town. In addition to the surcharge amounts, the town shall be entitled to collect the reasonable costs of litigation in the event

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legal proceedings are pursued, including, but not limited to reasonable attorneys fees, and consistent with the provisions of this chapter, as amended from time to time.

(Ord. 518, passed 11-14-90; Am. Ord. 613, passed 6-7-94)

§ 51.37 FAILURE TO COMPLY.

In the event a user utilizing the system executes the grant of inspection, and the town inspects, conducts tests, and determines that the buildings and/or appurtenances of said user are not in compliance, then, and in such event, the town, by its town official, shall provide written notice of the results of the inspection and tests to the user, who shall be required to permanently comply with the applicable provisions of §§ 51.12(H) and 51.13(A), as amended from time to time, within 60 days of the date of the notice.

(Ord. 518, passed 11-14-90)

§ 51.38 APPEALS.

(A) The user shall have the right to appeal the findings by filing with the chairman of the Sanitary Board of Appeals, with 10 days from the date of such notification, a written Notice of Appeal which shall set forth all matters being appealed, the reasons therefore, and such additional evidence, test results, findings, or other new matters in support of such appeal. The form of the notice of appeal shall be in substantially the form set forth in § 51.43.

(B) The chairman of the board shall, within 14 days of the date of filing of such appeal, convene a special meeting of the board for the purpose of making a determination on such appeal. The board shall have the right, if it so decides, to require additional oral or written testimony at such time. The board may, in the alternative, determine such appeal solely on the basis of the written findings of the town and the written matters set forth by the user in the request for appeal.

(C) The board shall make its determination within seven days of the date of the appeal meeting. The board shall serve written notice of its determination upon the user within seven days after the determination is reached.

(D) If the appeal by the user is successful, no surcharge shall be imposed. If the appeal is unsuccessful, the user shall be required to comply with the provisions of §§ 51.12(H) and 51.13(A), as amended from time to time, within 60 days of the date of the board's determination. The town shall, upon completion of the corrective work, again inspect the buildings and/or appurtenances of the user to verify the compliance with the aforementioned sections.

(Ord. 518, passed 11-14-91)

§ 51.39 SURCHARGE FOR FAILURE TO COMPLY.

(A) (1) In the event that the buildings and/or appurtenances of the user are determined not to be in compliance with § 51.12(H) or § 51.13(A), of the town, and any amendments thereto, and the time

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period referred to herein for corrective work expires, and the user refuses or fails to bring buildings and/or appurtenances in compliance with the aforementioned sections, a surcharge of \$1,000 per month per billing account for such user shall be imposed, in addition to all other charges authorized and imposed under any applicable ordinances of the town, commencing at the next billing period following the date of the inspection or testing by the town wherein said non-compliance was determined, for permitting such violation to continue to exist.

(2) In addition to the surcharge described herein, the town shall have the right to elect to seek and pursue any and all appropriate legal proceedings for compliance purposes, as well as to collect billed surcharge amounts accrued on sewer utility billing accounts of users who fail or refuse to comply with the requirements of the provisions of this chapter, as amended from time to time, and to perform and complete appropriate remedial corrective measures for compliance. In addition to the surcharge amounts, the town shall be entitled to collect the reasonable costs of litigation in the event legal proceedings are pursued, including, but not limited to reasonable attorneys fees, and consistent with the provisions of this chapter, as amended from time to time.

(B) The surcharge referred to herein shall be removed only upon the following conditions:

(1) The user utilizing the system executes a grant of inspection to the town or takes the required corrective action required to bring about compliance; and

(2) The town inspects and/or performs tests on the buildings and/or appurtenances connected to the system and determines that the buildings and/or appurtenances so connected to the system are in compliance; and

(3) The payment in full of all surcharges billed to the user utilizing the system until the time period the buildings and/or appurtenances in question of the user are determined to be in compliance.

(C) In the event a user is found to be in compliance, and subsequent inspections and/or tests determine that non-compliance now exists, the terms and provisions of §§ 51.36(A)(4), 51.37, 51.38 and 51.39(A) and (B), thereof shall be applicable, except that in addition to the surcharge to be charged with § 51.39(A), if any, the user shall be liable for payment of a sum equal to the sum of the months since the original determination of compliance was made, multiplied by the monthly surcharge amount provided for in § 51.39(A), for knowingly, willfully and/or intentionally creating or permitting such violation to commence and continue.

(Ord. 518, passed 11-14-91; Am. Ord. 613, passed 6-7-94))

§ 51.40 NOTICE OF VIOLATION.

(A) The failure or refusal by a user utilizing the system to execute a grant of inspection or to cause his buildings and/or
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appurtenances to be in compliance, after being determined not to be in compliance, within 60 days from date of the failure, refusal or notice of non-compliance, unless an appeal has been taken, in which event it shall be within 60 days of the date of service of the affirming order of the board, shall cause the town, by its Town Manager, or other designated town official, to prepare a Notice of Violation of Town Ordinance as to the property in violation of this section and/or §§ 51.12(H) or 51.13(A), as amended from time to time, and to file the notice for record in the Office of the Recorder of Lake County, Indiana. The notice of violation shall set forth the name of the owner of the property, the correct legal description of the property, a brief summary of the violation, a statement that the applicable surcharge, or surcharges, as the case may be, depending upon which is applicable, is assessed against the user and the property, and a statement that the violation of this section, as amended from time to time, is a continuing one until the property is brought into compliance. Any subsequent purchaser of the property described in the notice of violation shall take title subject to such violation and shall be responsible for compliance with the terms of the sections set out therein and the payment of any surcharges due by reason of such violations.

(B) Within 15 days after a user, who has had a notice of violation of town ordinance recorded against property in violation of this section or §§ 51.12(H) or 51.13(A), and any amendments thereto, has cured the non-compliance, as provided herein, the town, by its Town Manager, or other designated town official, shall cause to be prepared and recorded a Release of Notice of Violation of Town Ordinance in the Office of the Recorder of Lake County, Indiana. The release shall set forth the name of the owner of the property, the correct legal description of the property, and the date on which the non-compliance has been corrected.

§ 51.41 LIABILITY OF VIOLATORS.

Any user violating any of the provisions of this section or §§ 51.12(H) or 51.13(A), or any amendments thereto, shall be liable to the town for any expenses, costs and fees, including, but not limited to reasonable attorney fees, occasioned or caused to the town by reason of seeking enforcements of such sections against the violator, as well as for any losses or damages occasioned or caused to the town, or users of the sanitary sewage collection system, by reason of such violation.

(Ord. 518, passed 11-14-90)

§ 51.42 POWER OF UTILITY COUNCIL.

(A) The Utility Council shall have full power and authority to invoke any legal, equitable or special remedy for the enforcement of this sub-chapter and/or §§ 51.12(H) and § 51.13(A), and any

amendments thereto.

(B) The Utility Council is hereby authorized to institute proceedings in its name in the Circuit or Superior Courts of Lake County, Indiana, or any other Court having jurisdiction, for prohibitory or mandatory injunctive relief to prevent or discontinue any violations of this sub-chapter and/or §§ 51.12 (H) and 51.13(A), or any amendments thereto, or to enforce the provisions of the sections.

(Ord. 518, passed 11-14-90)

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§ 51.43 FORM FOR NOTICE OF APPEAL.NOTICE OF APPEAL

To: The Sanitary Board of Appeals of the Town of Cedar Lake, Lake County, Indiana

The undersigned, _____, own(s) certain property located within the Town of Cedar Lake, Lake County, Indiana, commonly known as (street address).

On (date of notification), the undersigned was notified that a condition described in §§ 51.12(H) and/or 51.13(A), of the Municipal Code of the Town of Cedar Lake, Indiana, as amended, exists on the above property. The undersigned do not believe that such a condition exists on the above property, and therefore, appeal the town's determination for the following reasons:

(Set forth in detail all matters being appealed, the reasons therefore, and such additional evidence, test results, findings, or other new matters as are necessary to support this appeal.)

Dated: _____, 19__.

(Ord. 518, passed 11-14-90)

IDENTITY THEFT PREVENTION PROGRAM

§ 51.50 PURPOSE.

The purpose of this subchapter is to establish an identity theft prevention program designed to detect, prevent and mitigate identity theft in connection with the opening of a covered account or an existing covered account and to provide for continued administration of the program in compliance with Part 681 of Title 16 of the Code of Federal Regulations implementing Sections 114 and 315 of the Fair and Accurate Credit Transactions Act of 2003 (commonly known as "FACTA," Public Law 108-159).

(Ord. 1046, passed 2-3-08)

§ 51.51 APPLICATION.

This program shall apply to the utility of the town for the

protection of its customers against identity theft.
(Ord. 1046, passed 2-3-08)

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§ 51.52 DEFINITIONS.

For the purposes of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. Unless defined below or otherwise indicated by the context in which they are used, the words and phrases in this program shall have the meaning ascribed to them in the Act.

"ACT." The Fair and Accurate Credit Transactions Act of 2003 (Public Law 108-159), as amended from time to time, and including Part 681 of Title 16 of the Code of Federal Regulations implementing Section 114 and 315 thereof.

"CLERK-TREASURER." The duly elected Clerk-Treasurer of the Town of Cedar Lake, Lake County, Indiana.

"COVERED ACCOUNT."

(1) An account that a financial institution or creditor offers or maintains, primarily for personal, family, or household purposes that involves or is designed to permit multiple payments or transactions. "COVERED ACCOUNTS" include credit card accounts, mortgage loans, automobile loans, margin accounts, cell phone accounts, utility accounts, checking accounts and savings accounts; and

(2) Any other account that the financial institution or creditor offers or maintains for which there is a reasonably foreseeable risk to customers or to the safety and soundness of the financial institution or creditor from identity theft, including financial, operational, compliance, reputation or litigation risks.

"IDENTIFY THEFT." A fraud committed or attempted using the identifying information of another person without authority.

"PROGRAM." This identity theft prevention program, as amended from time to time.

"RED FLAG." A pattern, practice or specific activity that indicates the possible existence of identity theft. "RED FLAGS" include, but are not limited to, any of the following:

- (1) A fraud alert included with a consumer report;
- (2) Notice of a credit freeze in response to a request for a consumer report;
- (3) Consumer reporting agency providing a notice of address discrepancy;

(4) Unusual credit activity, such as an increased number of accounts or inquiries;

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- (5) Documents provided for identification appearing altered or forged;
- (6) Photograph on identification inconsistent with appearance of customer presenting the information;
- (7) Information on identification inconsistent with information provided by person opening account;
- (8) Information on identification, such as signature, inconsistent with information on file at utility (such as a signature card or recent check);
- (9) Application appearing forged or altered or destroyed and reassembled;
- (10) Information on identification not matching any address in the consumer report;
- (11) Lack of correlation between social security number range and date of birth;
- (12) Personal identifying information associated with known fraud activity;
- (13) Suspicious addresses supplied, such as a mail drop, or phone numbers associated with pagers or answering service;
- (14) Social security number provided matching that submitted by another person opening an account or other customers;
- (15) An address or phone number matching that supplied by a large number of applicants;
- (16) The person opening the account unable to supply identifying information in response to notification that the application is incomplete;
- (17) Personal information inconsistent with information already on file at utility;
- (18) Person opening account or customer unable to correctly answer challenge questions;
- (19) Shortly after change of address, utility receiving request for additional users of account;
- (20) Customer fails to make first payment;
- (21) Drastic change in payment patterns;

(22) An account that has been inactive for a lengthy time suddenly exhibiting unusual activity;

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(23) Mail sent to customer repeatedly returned as undeliverable despite ongoing transactions on active account;

(24) Utility notified that customer is not receiving paper account statements;

(25) Utility notified of unauthorized charges or transactions on customer's account;

(26) Utility notified that they have opened a fraudulent account for a person engaged in identity theft.

"TOWN." The Town of Cedar Lake, Lake County, Indiana.

"TOWN ADMINISTRATOR." The responsible and identified head administrative employee for the Town of Cedar Lake, Lake County, Indiana.

"TOWN COUNCIL." The duly elected legislative and fiscal body of the Town of Cedar Lake, Lake County, Indiana.

"UTILITY." The sewer utility owned, operated and managed by the town pursuant to the provisions of IC 36-9-23 et seq., and all other applicable laws.

(Ord. 1046, passed 2-3-08)

§ 51.53 PROGRAM.

(A) The town hereby establishes, solely in connection with the ownership, management and operation of its utility, an identity theft prevention program to detect, prevent and mitigate identity theft. This program hereby includes reasonable policies and procedures to:

(1) Identify. Identify relevant red flags for covered accounts the town offers or maintains in connection with the ownership, management and operation of its utility and incorporate those red flags into this program;

(2) Detect. Detect red flags that have been incorporated into this program;

(3) Respond. Respond appropriately to any red flags that are detected to prevent and mitigate identity theft; and

(4) Update. Ensure this program is updated periodically to reflect changes in risks to utility customers and to the safety and soundness of the utility of the town, as the creditor, from identity theft.

(B) This program shall, as appropriate, incorporate existing

policies and procedures of the town and the utility that control reasonably foreseeable risks.
(Ord. 1046, passed 2-3-08)

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§ 51.54 ADMINISTRATION OF PROGRAM.

The Town Council shall be responsible for the overall development, implementation, oversight and continued administration of this program. The Town Administrator and Clerk-Treasurer shall be responsible for the day to day activities concerning said development, implementation, oversight and administration of this program. The Town Administrator and Clerk-Treasurer, with the oversight of the Town Council, shall coordinate the training of utility staff, as necessary, to effectively implement this program. The Town Council, in carrying out this program, shall exercise appropriate and effective oversight of any service provider arrangements.

(Ord. 1046, passed 2-3-08)

§ 51.55 IDENTIFICATION OF RELEVANT RED FLAGS.

(A) This program includes relevant red flags from the following categories as appropriate:

(1) Alerts. Alerts, notifications, or other warnings received from consumer reporting agencies or service providers, such as fraud detection services (see items (1) through (4) under the definition of red flag in § 51.52 above);

(2) Suspicious documents. The presentation of suspicious documents (see items (5) through (9) under the definition of red flag in § 51.52 above);

(3) Suspicious identification. The presentation of suspicious personal identifying information when compared against external information sources used by the utility, such as suspicious address (see items (10) through (18) under the definition of red flag in § 51.52 above);

(4) Suspicious activity. The unusual use of, or other suspicious activity related to, a covered account (see items (19) through (26) under the definition of red flag in § 51.52 above); and

(5) Notice. Notice from customers, victims of identity theft, law enforcement authorities, or other persons regarding possible identity theft in connection with covered accounts.

(B) This program shall consider the following risk factors in identifying relevant red flags for covered accounts as appropriate:

(1) Types of covered accounts. The types of covered accounts offered or maintained in connection with the utility;

(2) Methods to open. The methods provided by the utility

to open covered accounts;

(3) Methods to access. The methods provided by the utility to access covered accounts; and

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(4) Previous history. The prior history and experience of the utility and the town with identity theft.

(C) This program incorporates relevant red flags from sources such as:

(1) Prior incidents. Incidents of identity theft previously experienced by the utility and the town;

(2) Changes in risk. Methods of identity theft that reflect changes in risk; and

(3) Supervision. Applicable supervisory guidance. (Ord. 1046, passed 2-3-08)

§ 51.56 DETECTION OF RED FLAGS.

This program addresses the detection of red flags in connection with the opening of covered accounts and existing covered accounts, such as by:

(A) Identifying information. Obtaining identifying information about, and verifying the identity of, a person opening a covered account; and

(B) Verification. Authenticating customers, monitoring transactions, and verifying the validity of change of address requests in the case of existing covered accounts. (Ord. 1046, passed 2-3-08)

§ 51.57 RESPONSE.

(A) This program provides for appropriate responses to detected red flags to prevent and mitigate identity theft. The response shall be commensurate with the degree of risk posed. Appropriate responses include:

(1) Monitoring. Monitoring a covered account for evidence of identity theft;

(2) Customer contact. Contacting the customer (contact may be made by e-mail, certified mail or telephone to the affected customer);

(3) Change passcodes. Changing any passwords, security codes or other security devices that permit access to a covered account;

(4) New account number. Reopening a covered account with a new account number;

- (5) Not open. Not opening a new covered account;
- (6) Close. Closing an existing covered account;

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(7) Notify law enforcement. Notifying the town's Police Department and any other necessary law enforcement personnel; or

(8) Not respond. Determining that no response is warranted under the particular circumstances.

(B) Any utility staff employee who becomes aware of a suspected or actual fraudulent use of a customer or potential customer's identity must first and immediately notify the Town Administrator and Clerk-Treasurer. The Town Administrator and Clerk-Treasurer will then determine the appropriate response in accordance with one or more of the options above.

(C) In the event notification to a customer is necessary, such notification shall include relevant information related to the incident including:

(1) The type of identifying information involved;

(2) The telephone number that the person can call for further information and assistance;

(3) Local law enforcement contact information; and

(4) Federal Trade Commission contact information (877-438-4338 or www.consumer.gov/idtheft).

(Ord. 1046, passed 2-3-08)

§ 51.58 PROGRAM UPDATING.

The Town Council shall update this program periodically to reflect changes in risks to customers of the utility or to the safety and soundness of the Utility and its customers from identity theft based on factors such as:

(A) Experience. The experiences of the utility and town with identity theft;

(B) Changes in methods. Changes in methods of identity theft and in methods to detect, prevent and mitigate identity theft;

(C) Changes in accounts. Changes in the types of accounts that the utility offers or maintains;

(D) Changes in business. Changes in the business arrangements of the utility, including acquisitions, alliances and service provider arrangements.

(Ord. 1046, passed 2-3-08)

§ 51.59 PROGRAM OVERSIGHT.

(A) The oversight of this program shall be undertaken by the Town Administrator and Clerk-Treasurer. Such oversight shall include:

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(1) Staffing. Assignment of specific responsibility for implementation of the program to appropriate utility staff. The Town Administrator and Clerk-Treasurer shall be responsible for the day to day administration of this program and shall report directly to the Town Council in connection with any matters relating to this program;

(2) Review of reports. Review of reports prepared by staff regarding compliance, such reports to be presented by the Town Administrator and Clerk-Treasurer to the Town Council; and

(3) Approval of program changes. Approval of material changes to this program as necessary to address changing risks of identity theft.

(B) Reports shall be prepared as follows:

(1) Annual report. The Town Administrator and Clerk-Treasurer, responsible for the day to day development, implementation and administration of the program, shall report to the Town Council at least annually on compliance by the utility with the program.

(2) Content of report. The report shall address material matters related to this program and evaluate issues such as:

(a) Effectiveness of the policies and procedures in addressing the risk of identity theft in connection with the opening of covered accounts and with respect to existing covered accounts;

(b) Service provider agreements;

(c) Significant incidents involving identity theft and management's response; and

(d) Recommendations for material changes to this program.

(Ord. 1046, passed 2-3-08)

§ 51.60 OVERSIGHT OF SERVICE PROVIDER ARRANGEMENTS.

The utility shall take steps to ensure that the activity of a service provider is conducted in accordance with reasonable policies and procedures designed to detect, prevent and mitigate the risk of identity theft whenever the utility or utilities engage(s) a service provider to perform an activity in connection with one or more covered accounts. For example, if the utility determines to outsource business functions such as payroll, web hosting, customer call center operations, data process, or the like, the outsourcing company's data security practices will be compared with the utility to assure adequate security measures are in place to detect, prevent and mitigate identity theft. Service providers shall be required to

notify the utility of any security incidents they experience which might result in or create a risk of identity theft of any of the utility's customers.
(Ord. 1046, passed 2-3-08)

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§ 51.61 DUTIES REGARDING ADDRESS DISCREPANCIES.

(A) The utility shall develop policies and procedures designed to enable the utility to form a reasonable belief that a credit report relates to the customer for whom it was requested if the utility receives a notice of address discrepancy from a nationwide consumer reporting agency indicating the address given by the customer differs from the address contained in the consumer report. The utility may reasonably confirm that an address is accurate by any of the following means:

- (1) Verification with customer. Verification of the address with the customer;
- (2) Record review. Review of the utility's records;
- (3) Third-party verification. Verification of the address through third-party sources; or
- (4) Other means. Other reasonable means.

(B) If an accurate address is confirmed, the utility shall furnish the address of the customer to the nationwide consumer reporting agency from which it received the notice of address discrepancy if:

- (1) Customer relationship. The utility establishes a continuing relationship with the customer; and
- (2) Information. The utility regularly and in the ordinary course of business furnishes information to the consumer reporting agency.

(Ord. 1046, passed 2-3-08)

§ 51.62 SECURITY OF PERSONAL IDENTIFYING INFORMATION.

(A) All paper documents or files, as well as CDs, floppy disks, zip drives, tapes, and backups containing personally identifiable customer information (such as name, social security number, date of birth, driver's license number, alien registration number, passport number, employer tax identification number, and the like) will be stored in a locked file cabinet or cabinets. File cabinets containing personally identifiable customer information will be stored in a locked room. The Town Administrator and Clerk-Treasurer will control keys to the file cabinet and room and will only distribute keys to those employees of the utility with a legitimate need for such customer information.

(B) Personal identifying customer information will be kept in locked file cabinets except when an employee is working on the file.

Employees are not to leave such information on their desks in plain view when they are away from their workstations. At the end of the day, employees will put files containing personally identifiable customer information away in locked file cabinets. To the extent the utility maintains personal identifying customer information in offsite storage

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facilities, access to such facilities will be limited to employees needing access to such information and visits to such facilities shall be documented.

(C) Visitors who visit the utility's offices and who must enter areas where personally identifiable customer information or other sensitive information is kept shall be escorted by an employee of the utility.

(D) The utility shall take appropriate measures to assure that personal identifying customer information contained on computers in the utility's offices or on laptops of the utility will be reasonably protected (e.g., passwords, encryption, firewalls and the like).
(Ord. 1046, passed 2-3-08)

§ 51.63 EMPLOYEE TRAINING.

The Town Administrator and Clerk-Treasurer shall periodically explain and train the staff of the utility as to the contents of this program and the need to spot security vulnerabilities. New employees of the utility shall be required to review this program as part of their initial training. Access to a customer's personal identifying customer information will be limited to employees with a "need to know." Employees who leave employment of the utility shall no longer have access to personal identifying customer information. The Town Administrator and Clerk-Treasurer shall instruct employees to immediately notify him or her of any potential security breaches. Employees who violate the security policies of the utility, including this program, shall be subject to discipline up to and including dismissal.

(Ord. 1046, passed 2-3-08)

§ 51.64 DISPOSAL OF SENSITIVE INFORMATION.

Sensitive information such as personal identifying customer information that is no longer needed by the utility shall be disposed of in a manner to assure the safeguarding of such information (e.g., shredding, incineration, permanent deletion).

(Ord. 1046, passed 2-3-08)

§ 51.99 PENALTY.

(A) Whoever violates any of the provisions of this chapter for which no penalty is otherwise provided, shall be fined not less than \$50 nor more than \$1,000. A separate offense shall be deemed committed on each day that a violation occurs or continues.

(B) In the event a user is found to be in a state of non-compliance with §§ 51.12(H), 51.13(A) or 51.35 through 51.41 a second, or subsequent, time, then the user shall be liable for the

payment of a sum equal to \$1,000, plus an amount equal to the sum of the months since the original non-compliance was correct (and if never corrected

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from the date of such non-compliance determination), multiplied by the monthly surcharge amount provided for in §§ 51.36(C) or 51.39(A), for knowingly, willfully and/or intentionally permitting such violation to commence or continue.

('82 Code, § 32-501(b)) (Am. Ord. 518, passed 11-14-90)

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CHAPTER 52: STORMWATER MANAGEMENT

Section

52.01 Incorporated by reference

§ 52.01 INCORPORATED BY REFERENCE.

The town stormwater management ordinance passed as Ordinance 1218, on April 21, 2015, as amended, is incorporated into this code by reference as though fully set forth herein and has all of the force and effect as if it had been set forth herein.
(Ord. 1218, passed 4-21-15)

[Next printed page is p.89.]

CHAPTER 53: STORMWATER UTILITY USER FEE

Chapter

53.01	Definitions
53.02	Stormwater utility user fee
53.03	Establishment procedures
53.04	User fee structure
53.05	Billings and terms of payment
53.06	Credit policy and procedure
53.07	Appeals of ERU determinations
53.08	Stormwater Fund
53.09	Lien on premises

§ 53.01 DEFINITIONS.

For purposes of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

"ABATEMENT." Any action taken to remedy, correct, or eliminate a condition within, associated with, or impacting a storm water drainage system.

"AGRICULTURAL PROPERTY." A parcel of land or lot having an area in excess of five acres and upon which crops have been grown for harvest within the past 12 months.

"APARTMENT/CONDOMINIUM PROPERTY." A lot or parcel of land on which is situated a building containing four or more single-family dwelling units, or on which two or more buildings each containing multiple single-family dwelling units are situated.

"APPROVED PLANS." Plans approved by the Department of Stormwater Management according to a permits and plan review which will govern all improvements made within the town that require stormwater facilities or changes or alterations to existing storm water facilities.

"BEST MANAGEMENT PRACTICES (BMP)." Structural and/or non-structural controls that temporarily store storm water runoff to reduce flooding and provide other benefits.

"BOARD." Board of Directors of the Department of Stormwater Management established under §§ 34.115 through 34.125.

"CODE." Cedar Lake Town Code.

"COUNTY REGULATED DRAIN." Part of the stormwater conveyance system under the jurisdiction of the Lake County Drainage Board, including certain ditches, tiles, and sewers.

"DESIGN STORM." A rainfall event of specified size and return frequency that is used to calculate the runoff volume and peak discharge rate of a BMP.

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"DENTENTION." The temporary storage of stormwater runoff in a basin, pond or other structure to control the peak discharge rates by holding the storm water for a period of time and which provides some gravity settling of particulates.

"DIRECT DISCHARGE." Stormwater runoff from a lot or parcel of real property contiguous to Cedar Lake, Cedar Creek, Founder's Creek/Hog Pen Ditch or West Creek, or any laterals to drains that are regulated by the Lake County Drainage Board and enters either such ditch or lateral without crossing other properties or entering the public stormwater facilities or stormwater system.

"DIRECTOR." A person appointed by the Town Council to undertake the tasks and responsibilities set forth by this chapter, who shall serve at the discretion of the Town Council.

"DRAIN." Any sewer, tile, ditch, stream or other stormwater conveyance channel or conduit.

"DSM." Cedar Lake Department of Stormwater Management.

"EQUIVALENT IMPERVIOUS AREA." The square foot sum of all land cover types multiplied by the corresponding runoff coefficient for each land cover type, as identified as follows:

<u>Land Cover</u>	<u>Runoff Coefficient</u>
Asphalt and concrete drives, walks, and parking	0.90
Rooftops	0.90
Grass, lawns, parks, golf courses, cemeteries	0.15
Unimproved land, woods, agricultural	0.20
Gravel drives and parking	0.55
Ponds and lakes	0.90

"EQUIVALENT RESIDENTIAL UNIT (ERU)." A unit value equal to the average amount of equivalent impervious area of a residential property within the Town and established at 2,903 square feet. It is also the basis for calculating the proper assessment of stormwater charges to all users of the stormwater system.

"EXEMPT DRAIN." Cedar Creek or West Creek, or any laterals to either Cedar Creek or West Creek that are regulated by the Lake County Drainage Board.

"IMPERVIOUS AREA." Real property that has been paved and/or covered with buildings and materials which include, but are not limited to, concrete, asphalt, rooftop, blacktop, and compacted

gravel, such that the natural infiltration of water into the soil is prevented.

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"INFILTRATION." A complex process of allowing storm water runoff to penetrate the ground surface and flow through the upper soil surface.

"LOT/PARCEL." A part or portion of land having a legal description that is formally set forth in a conveyance instrument.

"NON-RESIDENTIAL PROPERTY." All properties not encompassed within the definition of residential property shall be defined as non-residential property. NON-RESIDENTIAL PROPERTY shall include, but not necessarily be limited to:

- (1) Agricultural property;
- (2) Apartment and condominium property;
- (3) Mobile home parks;
- (4) Commercial property;
- (5) Industrial property;
- (6) Institutional property;
- (7) Governmental property;
- (8) Churches;
- (9) Schools;
- (10) Federal, state and local government owned property;

and

(11) Any other property not mentioned herein and not specifically defined as either residential property or vacant residential property.

"NPDES." National Pollutant Discharge Elimination System. Regulations for stormwater discharges as described in The Federal Register, 40 CFR Parts 122, 123 and 124, as amended.

"NPDES PERMIT." Permit required to be obtained by the town pursuant to Section 402 of the Clean Water Act, as amended.

"PEAK DISCHARGE." The maximum rate of flow of water passing a given point during or after a rainfall event.

"PERVIOUS AREA." Real property that has a runoff coefficient of less than 0.90.

"PRIVATE STORMWATER FACILITIES." Various stormwater and drainage works not under the control or ownership of the town, county, state and/or federal government which may include inlets, conduits, pipes, pumping stations, manholes, structures, channels, outlets, retention or detention basins, other structural components and equipment designed to transport, move, hold or regulate stormwater.

"PUBLIC STORMWATER FACILITIES." The various stormwater and drainage works under the control and/or ownership of the town, county state or federal government which may include inlets, conduits, pipes, pumping stations, manholes, structures, channels, outlets, retention or detention basins, other structural components and equipment designed to transport, move, hold or regulate stormwater.

"RESIDENTIAL PROPERTY." For the purpose of this chapter, the term refers to a lot or parcel of real property on which a building or mobile home is situated, which building contains a group of rooms forming a single inhabitable dwelling unit with facilities that are used or are intended to be used primarily for living, sleeping, cooking and eating. This definition also includes a lot containing one individual building containing three or fewer separate or contiguous single-family dwelling units. Each and every residential property up to and including five acres in land area shall be assigned one ERU. A RESIDENTIAL PROPERTY having a land area in excess of five acres shall be assigned one ERU for the first five acres, and the remaining acres in excess of five acres shall be calculated according to its land cover type and size and additional ERUs shall be billed accordingly.

"RETENTION." The holding of stormwater runoff in a constructed basin or pond or in a natural body of water without release except by means of evaporation, infiltration or emergency bypass.

"RETROFIT." To install or improve a private stormwater facility using BMP.

"RUNOFF COEFFICIENT." Ratio of peak flow from a drainage area (in cubic feet per second) and the product of rainfall intensity (in inches per hour) over a given land area (in acres). A measure of how much stormwater runoff is produced in response to the rainfall.

"STORM SEWER." A sewer designed or intended to convey only storm water, surface runoff, street wash waters, and drainage, and not intended for sanitary sewage and industrial wastes other than unpolluted cooling water. The portion of a sewer intended to carry storm water only, which begins at the grating or opening where water enters said sewer, through the sewer and any other conduits to the outlet structure where water enters a channel, natural watercourse or combined sewer.

"STORMWATER." The chemical compound of hydrogen and oxygen which is produced from atmospheric clouds as rain, snow, sleet, and hail.

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"STORMWATER UTILITY CUSTOMER/USER." The owner of a lot or parcel of residential, non-residential, or vacant residential property.

"STORMWATER UTILITY USER FEE." A charge imposed on users of the town's public stormwater facilities and stormwater system.

"STORMWATER SYSTEM." All constructed facilities, structures and natural watercourses under the ownership, and/or control of the town and/or the DSM, used for collecting and conducting stormwater to, through and from drainage areas to the point of final outlet, including, but not limited to, any and all of the following: inlets, conduits and appurtenant features, creeks, channels, catch basins, ditches, streams, culverts, retention or detention basins and pumping stations; and excluding therefrom, any part of the system of drains and watercourses under the jurisdiction of the Lake County Drainage Board.

"SUBDIVISION GROUP." All of the parcels of land within a platted residential development.

"VACANT RESIDENTIAL PROPERTY." A lot or parcel of real property on which there does not exist a building or mobile home and which has a residential zoning classification. Vacant residential property located within the town, up to and including five acres in land area, shall be assigned one-half of one ERU. Any vacant residential property in excess of five acres shall be assigned one-half of one ERU for the first five acres, thereafter the remaining acres will be calculated based on the land cover type and additional ERUs will be billed accordingly.

(Ord. 1002, passed 6-5-07)

§ 53.02 STORMWATER UTILITY USER FEE.

A stormwater utility user fee shall be imposed on each and every lot and parcel of real property within the town, which charge shall be assessed against the owner thereof, who shall be considered the stormwater utility customer/user for the purposes of this chapter. This user fee is deemed reasonable, and is necessary to pay for the repair, replacement, planning, improvement, operation, regulation and maintenance of the existing and future stormwater system of the town. (Ord. 1002, passed 6-5-07)

§ 53.03 ESTABLISHMENT PROCEDURES.

The stormwater utility user fee shall be \$5 per ERU per calendar month. Any billings for storm water service outside this time shall be on a per diem basis. This stormwater utility user fee rate is designed to recover and be able to pay the cost of rendering stormwater service to the users of the stormwater system, and shall

be the basis for assessment of the town's stormwater utility user fee. This rate is established so as to maintain adequate fund reserves to provide for
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reasonably expected variations in the cost of providing services, as well as variations in the demand for services. This rate shall be evaluated annually as to its sufficiency to satisfy the needs of the DSM.

(Ord. 1002, passed 6-5-07)

§ 53.04 USER FEE STRUCTURE.

For the purposes stated herein, there is hereby assessed a stormwater utility user fee to each stormwater utility customer/user within the municipal corporate limits of the town in an amount as determined below. For any such property, lot, parcel of land, building or premises which contributes directly or indirectly to the stormwater system of the town, such charge shall be based upon the quantity of equivalent impervious area situated thereon. All properties having pervious or impervious area within the town will be assigned an equivalent residential unit (ERU), or a multiple thereof.

(A) Residential properties. A monthly flat user fee for stormwater service rendered to residential property located within the town shall be charged to each account, according to the service address. All residential properties are hereby assigned one ERU. This flat rate shall apply to all residential properties as defined herein, except that any residential property having land area in excess of five acres shall be assigned one ERU for the first five acres, and the remaining acres in excess of five acres shall be calculated according to its land cover type and size and additional ERUs shall be billed accordingly. This calculation will be rounded to the first decimal place (nearest tenth of one ERU).

(B) Non-residential properties. Non-residential properties located within the town will be assigned an ERU based upon said properties individually calculated equivalent impervious area (in square feet) divided by 2,903 square feet (one ERU). This division will be calculated to the first decimal place (nearest tenth of one ERU).

(C) Vacant residential property. Vacant residential property located within the town shall be assigned one-half of one ERU except that any vacant residential property in excess of five acres shall be assigned one-half of one ERU for the first five acres; thereafter the remaining acres will be calculated based on the land cover type and additional ERUs will be billed accordingly. This calculation will be rounded to the first decimal place (nearest tenth of one ERU).

(Ord. 1002, passed 6-5-07)

§ 53.05 BILLINGS AND TERMS OF PAYMENT.

(A) Billings. All stormwater service bills shall be rendered on a monthly basis, along with the stormwater utility user's charges for

other town utility services.
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(B) Terms of payment. The stormwater utility user fee shall be due on the payment date set out for the town utility bill. It shall be a violation of this chapter to fail to pay a stormwater service bill when due. All bills for storm water services not paid on or before the due date, which due date shall be approximately 15 days after the bill is rendered, shall be subject to a collection or deferred payment charge equal to 10% of the outstanding balance.

(C) Collection. Delinquent stormwater utility user fees may be collected in a civil action along with other delinquent town utility charges by the town, and the town shall be permitted to collect its reasonable attorney's fees and court costs.

(D) Backbilling.

(1) Failure to receive a bill is not justification for nonpayment. The owner of each parcel of land is obligated and required to pay a storm water utility user fee as set forth by the terms and provisions of this chapter, as amended.

(2) In the event that a parcel is under-billed or in the event that no bill is issued to the owner or owners of parcels of land in the town, the town may backbill, or adjust, the fee up to the known date of error or for a period of one year, whichever period is shorter, after written notice to the parcel owner. The parcel owner may request that payment of the backbilled charges be spread over the next 12 monthly billing cycles.

(Ord. 1002, passed 6-5-07; Am. Ord. 1061, passed 9-15-09)

§ 53.06 CREDIT POLICY AND PROCEDURE.

(A) Credit availability. Credit will be available to all properties except individual residential properties for various forms and levels of abatement, as approved by the DSM in accordance with the Town of Cedar Lake Stormwater Service Credit Application and Appeal of ERU Calculations Instruction Manual. A copy of said Manual is adopted by reference and incorporated as if fully set forth herein.

(1) Maintenance requirements. Credit may only be allowed for lots and parcels of real property where structural controls are maintained in fully functional condition and according to maintenance criteria and design standards required by the DSM.

(2) Existing structure credits. Credit may be allowed for previously constructed abatement features or stormwater controls. The amount of credit granted will be determined by the methods of design of the structure and as approved by the DSM.

(3) Direct discharge credit. Credit may be granted on the basis of location of a given property in relation to Cedar Lake, Cedar Creek, Founder's Creek/Hog Pen Ditch or West Creek, or any

laterals to drains that are regulated by the Lake County Drainage Board, if such property directly discharges its stormwater to such drain in conformance with all maintenance criteria and design standards as applicable. 2009 S-22

(4) Voluntary controls. Voluntary controls and/or upgrades of existing private stormwater facilities through retrofitting that exceed the town's standard stormwater abatement design criteria may be considered for credit on a case-by-case basis considering the impact of the controls on the town's stormwater system, as determined by the DSM.

(5) Industrial NPDES permit credits. No credit shall be allowed for industries in compliance with federal laws and regulations regarding industrial stormwater discharge permits.

(6) Pollution reduction. No credit shall be allowed for voluntary efforts to reduce the amount of pollutants in a user's stormwater runoff or for improvements to the quality of a user's stormwater discharge.

(7) Regional basins. Credit will not be granted to properties draining into ponds or basins maintained or owned by the town. Credit may only be considered for privately owned and maintained regional controls.

(8) (a) Percent discounted credits for private stormwater facilities. Discounts and credits shall be computed on an ERU basis. A maximum credit equal to 80% of the gross ERUs originally assigned may be granted for the construction and maintenance of private stormwater facilities considering the potential of each such facility to reduce peak and/or volume stormwater flow and direct discharge capabilities.

(b) The administrative costs involved with operation of the DSM shall be shared by all stormwater utility customer/users, including future costs incurred to meet quality-based NPDES Permit requirements which provide community-wide benefits, and thus cannot be credited. The administrative cost component of the stormwater utility user fee charges is approximately 20% of the overall DSM operation costs. Discounts and credits shall be cumulative; however, in no case shall the total amount of discounts and credits exceed 80% of the stormwater utility customer/user's gross stormwater utility user fee. The formula for determining the applicable credit percentage for individual parcels shall be specifically set out by the DSM.

(9) Federal, state, town, county and private roadways. Streets, roads and highways shall be given 100% credit as they form an integral part of the stormwater system. The surface water control system incorporated in design of roadways are areas engineered to convey all design runoff without street flooding. Primary elements of the drainage system yield community-wide benefits and are installed to service the general public's interests.

(10) Subdivision group credit. A subdivision group comprised of residential properties and/or vacant residential properties may be eligible for a subdivision group credit.

(B) Credit procedures.
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(1) Timing of applications/determinations. An application for credit shall be made on forms provided by the DSM and the Clerk-Treasurer and shall be accompanied by the appropriate application fee in the sum of \$100. It is the intent of the town that all applications will be reviewed and credits and discounts determined within 45 days after submittal of a complete and correct application package. Any credit issued or approved will be effective on the first billing cycle for that property following completion of construction, or the date of the application. However, in the discretion of the DSM, and as determined by the DSM, a credit issued or approved may be applied retroactively to the first billing of service charges under this chapter.

(2) Appeals. Appeals of credit or discount determinations shall be considered and reviewed consistent with the procedures set out below for reconsideration of ERU determinations.

(3) Payment required pending appeal determination. An application for credit, or an appeal of a determination thereon, shall not constitute a valid reason for non-payment of the originally assessed stormwater service charge by the stormwater utility customer/user.

(Ord. 1002, passed 6-5-07)

§ 53.07 APPEALS OF ERU DETERMINATIONS.

In the event that a stormwater utility customer/user determines that the ERU multiple assigned to said user's real property is incorrect for any reason, said stormwater utility customer/user shall have the right to appeal the ERU determination and thus the rate assessed in the following manner:

(A) The stormwater utility customer/user shall obtain and complete a petition to appeal storm water rate form ("petition"), which shall be returned to the Clerk-Treasurer with verifiable documentation supporting the appeal.

(B) The Director shall investigate the appeal and, upon review thereof, shall render a written determination to the Board and the stormwater utility customer/user that either the original ERU determination and assessed rate should be affirmed or the stormwater utility user fee should be adjusted in accordance with the petition.

(C) In the event that a petition to appeal is denied, said determination shall be forwarded to the stormwater utility customer/user by certified mail, return receipt requested. The stormwater utility customer/user shall then have 30 days from the date of receipt of said determination to request a reconsideration by the Board. Any additional facts concerning the appeal shall be submitted in writing to the DSM, along with a copy of the original petition and supporting documents, to the Board. The Director shall

submit a written report of the determination in the case, along with any documents used in denying the appeal.
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(D) Thereafter, the Board shall review all documentation and, if requested in writing by the stormwater utility customer/user, conduct a hearing to determine and resolve the appeal. Such hearing will be scheduled by the DSM and the stormwater utility customer/user will be notified by certified mail of the date of such hearing, which notice shall be received by the stormwater utility customer/user at least seven days prior to the date of such hearing. A written opinion shall be rendered within 45 days after the hearing or submission of documentation if no hearing is conducted. The written opinion of the Board shall constitute the final DSM determination. The hearing shall be electronically recorded and if requested by the stormwater utility customer/user, a transcript of the hearing shall be provided to the stormwater utility customer/user. The stormwater utility customer/user will be charged at a cost per page as determined by the Board, in accordance with applicable law, as amended from time to time.

(E) A stormwater utility customer/user aggrieved by the final Board determination shall have the right to judicial review of such determination in accordance with applicable Indiana law.

(F) If the Director recommends the stormwater utility user fee be reduced, or reduction is ordered by the Director, the Board or any court of competent jurisdiction, the stormwater utility customer/user shall be credited accordingly for any overpayment made from the date of the petition.

(G) Dispute or appeal of an ERU determination or stormwater service rate shall not be a valid reason for non-payment of the originally assessed storm water utility user fee by the stormwater utility customer/user.

(Ord. 1002, passed 6-5-07)

§ 53.08 STORMWATER FUND.

(A) There is hereby established for the town a Cedar Lake Stormwater Operation and Maintenance Fund, which shall be a non-reverting fund. All revenues and fees collected for stormwater service, including, but not limited to, stormwater utility user fees, credit application fees, and interest earnings on any unused funds, shall be deposited in the Cedar Lake Stormwater Operation and Maintenance Fund. Disbursements from this fund will be authorized by the Board. Such disbursements will be used for the operation, maintenance and improvement of the town's stormwater system in accordance with applicable Indiana law. Monies from this fund shall not revert to any other town utilities or town fund and may not be transferred for any other purpose, except as permitted by applicable Indiana law. The fund shall exist in perpetuity or until such time as this chapter has been repealed, at which time any monies held in said

fund shall be transferred to the town's general fund after payment of any and all fees, expenses or charges that may then be owing for the operation, maintenance and improvement of the town's stormwater system.

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(B) Commencing in the first quarter of 2008, the Board, in cooperation with the Clerk-Treasurer, shall, on a biennial basis retain the services of a certified public accountant to perform an independent financial management report regarding the DSM and the stormwater utility. Such report shall include an evaluation of the rates and charges collected by the DSM, including the stormwater utility user fee, expenditures by the Board, anticipated future revenues, and the overall financial condition of the DSM and the stormwater utility. The report is intended to provide information to the Board and the town officials in their role as managers of the stormwater utility. The cost of such report shall be paid by the DSM from the Cedar Lake Storm Water Operation and Maintenance Fund. (Ord. 1002, passed 6-5-07)

§ 53.09 LIEN ON PREMISES.

Each stormwater utility user fee charged pursuant to this chapter is hereby made a lien upon the residential, non-residential and vacant residential property to which the same is charged, and, if the same is not paid within 90 days after it shall be due and payable, it may, in the discretion of the Board, be certified to the Auditor of Lake County, who shall place the same on the tax duplicate of said county with the interest and penalties allowed by law to be collected as other taxes are collected. (Ord. 1002, passed 6-5-07)

CHAPTER 54: WATERWORKS SYSTEM

Section

- 54.01 Rates and charges
- 54.02 Compliance with IURC rules
- 54.03 Rates and charges for Robins Nest Water Company
- 54.04 Water utility rules and regulations

Cross-reference:

Acquisition and funding of Robins Nest Water Company, see
T.S.O. V

§ 54.01 RATES AND CHARGES.

(A) There are established for the use of and the service rendered by the waterworks system of the Town of Cedar Lake the following rates and charges, based on the use of water supplied by the waterworks system on an emergency and permanent basis, subject IURC approval of same:

WATER METERED SERVICES		PER 1,000 GALLONS	
First 4,000 gallons		\$9.01	
Next 4,000 gallons		\$7.51	
Next 4,000 gallons		\$6.16	
Next 4,000 gallons		\$5.11	
Next 4,000 gallons		\$4.35	
Next 20,000 gallons		\$3.61	
Next 40,000 gallons		\$1.50	
MINIMUM MONTHLY CHARGE			
METER SIZE (in inches)	FACTO R	USAGE	
5/8, 3/4	1.0	4,000	\$36.04
1	2.5	10,000	\$78.40
1-1/2	5.0	20,000	\$128.56
2	8.0	32,000	\$171.88
3	15.0	60,000	\$230.76
4	25.0	100,000	\$290.76
6	50.0	200,000	\$440.76

Charge for fire hydrant rental per annum	\$168.60
Charge for connection (tap-in) - less than one inch	
Utility installed	\$750.00
Developer installed	\$150.00
Charge for connection (tap-in) - one inch and greater	At cost

SYSTEM DEVELOPMENT CHARGE		
METER SIZE (in inches)	FACTOR	
5/8, 3/4	1.0	\$580.00
1	2.5	\$1,450.00
1-1/2	5.0	\$2,900.00
2	8.0	\$4,640.00
3	15.0	\$8,700.00
4	25.0	\$14,500.00
6	50.0	\$29,000.00
Charge for non-sufficient funds payment		\$11.00
Charges for reconnection		\$40.00

(B) Further, to the extent funds are available from approved rates and charges, the town would elect to obtain payment in lieu of taxes (PILT) as permitted by the applicable law that would have been otherwise paid by Utilities, Inc. had the private utility continued to operate its business of water service.
(Ord. 1050, passed 3-31-09)

§ 54.02 COMPLIANCE WITH IURC RULES.

The town shall comply with all applicable IURC rules, regulations, and policies for the provision of water services to the customers and users of the town waterworks system.
(Ord. 1050, passed 3-31-09)

§ 54.03 RATES AND CHARGES FOR ROBINS NEST WATERWORKS SYSTEM.

There shall be and are hereby established for the use of and the service rendered by the town through the Robins Nest Waterworks System the following rates and charges:

(A) Applicability. This schedule applies to all water service rendered by the town through the Robins Nest Waterworks System.

(B) Monthly charges; applicable to all customers except those in Krystal Oaks.

Consumption Per Month	Monthly Charge
First 4,000 gallons	\$5.34/1,000 gallons
Next 4,000 gallons	\$4.45/1,000 gallons
Next 4,000 gallons	\$3.65/1,000 gallons
Next 4,000 gallons	\$3.03/1,000 gallons
Next 4,000 gallons	\$2.58/1,000 gallons
Next 20,000 gallons	\$2.14/1,000 gallons
All over 40,000 gallons	\$0.89/1,000 gallons

(C) Minimum monthly charge. Each user shall pay a minimum monthly charge of \$21.36, plus the monthly hydrant fee.

(D) Monthly hydrant fee. \$0.50.

(E) Example. Assuming average water consumption (80 gallons of water per day per person, four-member household, 9,600 gallons per month), the monthly water bill would be:

First 4,000 gallons at \$5.34 per 1,000	=	\$21.36
Next 4,000 gallons at \$4.45 per 1,000	=	\$17.80
Next 1,600 gallons at \$3.65 per 1,000	=	\$ 5.84
Hydrant fee	=	<u> 0.50</u>
TOTAL:		\$45.50

(F) Monthly charges applicable only to customers in Krystal Oaks.

(1) Consumption per month: \$7.00 per 1,000 gallons.

(2) Minimum monthly charge: \$21.00.

(G) Tap-on connection fee. \$750 per connection.
(Ord. 1111, passed 12-7-10)

§ 54.04 WATER UTILITY RULES AND REGULATIONS.

The document entitled "Rules and Regulations for the Town of Cedar Lake, Lake County, Indiana, Water Utility", dated July 30, 2012, attached hereto as Exhibit "A", and incorporated herein in its entirety, be, and the same is hereby adopted as the rules and regulations for the town water utility.

(Ord. 1161, passed 8-21-12)